

1 Neal A. Potischman (SBN 254862)
Serge A. Voronov (SBN 298655)
2 DAVIS POLK & WARDWELL LLP
1600 El Camino Real
3 Menlo Park, California 94025
Telephone: (650) 752-2000
4 Facsimile: (650) 752-2111
Email: neal.potischman@davispolk.com
5 serge.voronov@davispolk.com

6 Edmund Polubinski III (*pro hac vice*)
Andrew S. Gehring (*pro hac vice*)
7 DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
8 New York, New York 10017
Telephone: (212) 450-4000
9 Facsimile: (212) 701-5800
Email: edmund.polubinski@davispolk.com
10 andrew.gehring@davispolk.com

11 *Attorneys for Defendant Tezos Stiftung*

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16
17 IN RE TEZOS SECURITIES LITIGATION

18 This document relates to: All Actions
19
20
21
22
23
24
25
26
27
28

Master File No. 17-cv-06779-RS

CLASS ACTION

**DECLARATION OF ANDREW S.
GEHRING IN SUPPORT OF
DEFENDANT TEZOS STIFTUNG'S
MOTION TO DISMISS THE
CONSOLIDATED COMPLAINT**

1 I, Andrew S. Gehring, declare pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am an attorney at the law firm of Davis Polk & Wardwell LLP, counsel for
3 defendant Tezos Stiftung. I am admitted to the Bar of the State of New York and am admitted to
4 this Court *pro hac vice*. I submit this declaration in support of the accompanying Memorandum of
5 Points and Authorities in Support of Defendant Tezos Stiftung's Motion to Dismiss the
6 Consolidated Complaint.

7 2. Attached hereto as Exhibit A is a true and correct copy of the document entitled
8 *Tezos: The self-amending cryptographic ledger*.

9 3. Attached hereto as Exhibit B is a true and correct copy of the document entitled
10 Tezos Contribution and XTZ Allocation Terms and Explanatory Notes.

11 4. Attached hereto as Exhibit C is a true and correct copy of the tezos.com domain
12 registrant contact information from ICANN WHOIS, available at
13 <https://whois.icann.org/en/lookup?name=tezos.com>.

14 5. Attached hereto as Exhibit D is a true and correct copy of the public LinkedIn
15 profile of Ross Kenyon, available at <https://www.linkedin.com/in/rmkenyon>.

16 6. Attached hereto as Exhibit E is a true and correct copy of a screenshot of the
17 tezos.ch website as of July 1, 2017 captured by the Internet Archive, available at
18 <https://web.archive.org/web/20170701072438/https://www.tezos.ch/>.

19 7. Attached hereto as Exhibit F is a true and correct copy of a June 30, 2017, 9:15 a.m.
20 tweet made by the Tezos Foundation (@TezosFoundation) Twitter account, available at
21 <https://twitter.com/TezosFoundation/status/880822005406343168>.

22 8. Attached hereto as Exhibit G is a true and correct copy of a June 30, 2017 Reddit
23 discussion thread entitled *Tezos Contribution Terms have just been released*., available at [https://](https://www.reddit.com/r/tezos/comments/6kgw2y/tezos_contribution_terms_have_just_been_released/)
24 www.reddit.com/r/tezos/comments/6kgw2y/tezos_contribution_terms_have_just_been_released/.

25 9. Attached hereto as Exhibit H is a true and correct copy of a page from a Bitcointalk
26 discussion thread entitled *Tezos Discussion*, including a July 1, 2017, 4:48 a.m. post by user
27 keithers, available at <https://bitcointalk.org/index.php?topic=1775132.640>.

28 I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of May, 2018, at New York, New York.

/s/ Andrew S. Gehring
Andrew S. Gehring